

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

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STEVEN SHELANGOSKI,

Plaintiff,

v.

REXCO EQUIPMENT, INC., and JOSHUA  
BOTTELMAN,

Defendant.

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No.

Linn County Case No. LACV095413

NOTICE OF REMOVAL

COME NOW, Defendants, Rexco Equipment, Inc. and Joshua Bottelman, pursuant to 28 U.S.C. § 1441 and Local Rule 81, and for their Notice of Removal state as follows:

1. Defendants are named in a civil action commenced on April 28, 2020 in the Iowa District Court for Linn County entitled: Steven Shelangoski, Plaintiff, v. Rexco Equipment, Inc. and Joshua Bottelman. That action is docketed as Case No. LACV095413.

2. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

3. This action is a suit of civil nature brought under the theory of breach of contract, Iowa Wage Payment Collection Act, FMLA Interference, and FMLA Retaliation.

4. The theories of FMLA Interference and FMLA Retaliation present a federal question establishing this court's jurisdiction pursuant to 28 U.S.C. § 1331.

5. The following is a list of all pleadings and other papers filed in the state court, and which are attached to this statement:

- a. Civil Original Notice (attached hereto as Exhibit A);
- b. Petition and attachment to Petition (attached hereto as Exhibit B);

- c. Return of Original Notice (attached hereto as Exhibit C);
  - d. Appearance of S. Luke Craven on behalf of Defendant (attached hereto as Exhibit D)
- 6. There are no matters pending in the state court that require resolution by this court.
  - 7. Counsel who has appeared in the state court action, his address and phone number, email address and the party he represents is as follows:

Vernon P. Squires  
Bradley & Riley PC  
2007 First Avenue SE  
P.O. Box 2804  
Cedar Rapids, IA 52406-2804  
Phone: (319) 363-0101  
Direct Dial: (319) 861-8726  
Email: [vsquires@bradleyriley.com](mailto:vsquires@bradleyriley.com)

ATTORNEYS FOR THE PLAINTIFF

- 8. The Civil Cover Sheet is filed contemporaneously herewith.
- 9. Defendants served this Notice of Removal on counsel for Plaintiff on the date set forth in the certificate of service shown below.
- 10. Defendants have also filed a copy of this Notice of Removal with the Clerk of the Iowa District Court for Linn County, as required by law. A copy of that Notice of Filing Removal to Federal Court is attached hereto and marked as Exhibit E.
- 11. By filing this Notice of Removal, Defendants do not waive any defenses which may be available to them.
- 12. All requirements of jurisdiction established by 28 U.S.C. § 1331 have been satisfied, and this action is, therefore, removable pursuant to 28 U.S.C. § 1441(b).

WHEREFORE, Defendants Rexco Equipment, Inc. and Joshua Bottelman, hereby remove the state court action pending as Case No. LACV095413 in the Iowa District Court for Linn County to this United States District Court.

WHITFIELD & EDDY, P.L.C.  
699 Walnut St., Suite 2000  
Des Moines, IA 50309  
Telephone: (515) 288-6041  
Fax: (515) 246-1474  
Email: craven@whitfieldlaw.com

By /s/ S. Luke Craven  
S. Luke Craven

ATTORNEYS FOR DEFENDANTS

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was served electronically through filing with the Electronic Document Management System, as well as through email and mail to the following individual:

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ATTORNEYS FOR THE PLAINTIFF

/s/ S. Luke Craven  
S. Luke Craven  
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